

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Reallocation and Service Rules for)	
the 698-746 MHz Spectrum Band)	GN Docket No. 01-74
(Television Channels 52-59))	
)	

Reply Comments of the Industrial Telecommunications Association, Inc.
In Support of Access Spectrum's Petition for Reconsideration

The Industrial Telecommunications Association, Inc. (ITA) hereby respectfully submits its reply comments in support of Access Spectrum's (Access) Petition for Reconsideration of the Commission's *Report and Order* (R&O) in the above-referenced matter.¹ As discussed in more detail below, ITA believes that the service rules established in the Report and Order will not adequately protect the end users operating in the adjacent channel 746-747 MHz guard band, but will instead needlessly create harmful interference to these users operating mission-critical applications.

ITA is a Commission-certified frequency advisory committee coordinating in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate business and industrial/land transportation radio stations on frequency assignments allocated between 30-900 MHz.

¹ See Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), *Report and Order*, GN Docket No. 01-74 (rel. Jan. 18, 2002) (R&O).

ITA enjoys the support of a membership including more than 3,500 licensed two-way land mobile radio communications users, private mobile radio service (PMRS) oriented radio dealer organizations, and the following trade associations:

Alliance of Motion Picture and Television Producers
Aeronautical Radio, Inc.
Associated Builders & Contractors, Inc.
Florida Citrus Processors Association
Florida Fruit & Vegetable Association
National Mining Association
National Propane Gas Association
National Ready-Mixed Concrete Association
National Utility Contractors Association
New England Fuel Institute
United States Telephone Association

In addition, ITA is affiliated with the following independent market councils: the Council of Independent Communication Suppliers (CICS), the Taxicab & Livery Communications Council (TLCC), the Telephone Maintenance Frequency Advisory Committee (TELFAC), and USMSS, Inc. Furthermore, ITA assisted in the creation of, and continues to provide intellectual and spectrum management assets for, Access as they prepare to lease the spectrum within the 21 geographic licenses they purchased in FCC Auctions 33 and 38 to many private mobile radio users.

The Lower 700 MHz band is comprised of three 12 MHz paired blocks and two 6 MHz unpaired blocks. Citing efficiency and maximum flexibility, the Commission has determined that it will permit A, B and C Block auction winners in the Lower 700 MHz to operate base or fixed stations with a maximum power of 50 kW ERP on television channel 57-59,² while

² R&O at ¶ 102-103. It should be noted that the upper end of the C Block in the Lower 700 MHz band is located immediately adjacent to the 700 MHz A Block of the Upper 700 MHz guard band.

adjacent channel guard band operations are limited to a 1 kW ERP on channel 60.³ To mitigate the interference potential, the Commission adopted a maximum power flux density, an out-of-band emission limit, and a notification requirement, while also encouraging interference reduction strategies such as selective vertical antenna patterns, downtilting receive antenna and filtering.

Access, Motorola, Inc. (Motorola) and Pegasus Guard Band, LLC have all outlined the harmful interference anticipated by guard band licensees, should the Commission confirm the operations of base and fixed stations with a maximum ERP of 50 kW immediately adjacent to mobile guard band operations.⁴ They cited specific reasons why, and Motorola provided technical data demonstrating, the interference mitigation techniques prescribed in the R&O will fail to protect the operations of adjacent channel guard band users.⁵

Council Tree Communications LLC's (Council Tree), on the other hand, has suggested that even though the Commission recognizes the potential interference, it should not reduce the power limit for one licensee.⁶ Council Tree's assessment of use in the 700 MHz guard band is incorrect. Rather than a single licensee, the Commission would be protecting the investment of the multiple private mobile radio users that will soon have access to the guard band channels through Access. Council Tree may not have realized that guard band licensees themselves are not the only entities affected by the disparity in power limitations between the Upper and Lower

³ 47 C.F.R. § 27.50(b)(1).

⁴ See Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), *Petition for Reconsideration*, GN Docket No. 01-74, filed by Access Spectrum, LLC, on March 8, 2002 (Access Petition). See also, Comments of Motorola, Inc. and Comments of Pegasus Guard Band, LLC.

⁵ Access Petition. See also, Comments of Motorola, Inc. and Comments of Pegasus Guard Band, LLC.

⁶ See Comments of Council Tree Communications, LLC at p. 5.

700 MHz bands. Instead, these bands are available to an eclectic array of private land mobile entities, such as transportation (both passenger and cargo) providers, telephone maintenance, petroleum, utilities, mining, manufacturing, and virtually any other entity providing the daily business and industrial services our nation has grown accustomed to.

The plan proposed by Access to limit base and fixed operations of the A, B and C block auction winners in the Lower 700 MHz band to television channels 52-54 will adequately address base-to-mobile interference protection to potential private mobile users in the 746-747 MHz guard band. By restricting base and fixed stations to the lower segment of the paired spectrum, the Commission will have struck “a more appropriate balance between licensee flexibility [in the Lower 700 MHz band] and limited interference” to those users relying on the adjacent channel guard band for daily, mission-critical business communications.⁷

⁷ Access Petition at p. 10.

In conclusion, the Commission has the opportunity through Access' Petition to minimize the interference that will be realized by the private mobile end users in the guard band operating adjacent to the Lower 700 MHz C Block licensee. The Commission should take action now to limit 50 kW ERP base and fixed operations in the Lower 700 MHz band to channels 52-54 so as to eliminate the potential for revisiting a guard band interference issue at 700 MHz.⁸

Respectfully submitted,

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Date: April 1, 2002

⁸ An added benefit of Access' Petition is that the Commission will not have to address interference issues years down the road, much like what is happening now at 800 MHz. Simply put, careful spectrum planning now will best serve all parties in the 700 MHz bands in the future.

CERTIFICATE OF SERVICE

I, Jeremy Denton, do hereby certify that on the 1st day of April 2002, I forwarded to the parties listed below a copy of the foregoing Comments of the Industrial Telecommunications Association, Inc. via hand delivery:

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